

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

KYLE FINNELL,

Petitioner, : Case No. 1:17-cv-268

- vs -

District Judge Douglas R. Cole
Magistrate Judge Michael R. Merz

TIM SCHWEITZER, Warden,
Lebanon Correctional Institution,

Respondent.

ORDER RE *REMMER* TRANSCRIPTS

This case is before the Court on Petitioner's Prayer for the *Remmer* Hearing Record (ECF No. 260), filed June 22, 2024.

Petitioner spends most of this document arguing yet again for adoption of an implied bias standard for evaluating his fifth claim for relief. However, in part he seems to be claiming he has not received a copy of the redacted *Remmer* hearing transcripts. The Hamilton County Court of Common Pleas through the Hamilton County Prosecutor filed that transcript in this Court on June 14, 2024 (ECF No. 255). Attached to the cover notice of filing was a certificate of service claiming that transcript was served on Petitioner by mail on the same day. *Id.* at PageID 7640.

If by the time he receives this Order, Petitioner has not received the redacted *Remmer* transcripts, he shall forthwith file with this Court a declaration under penalty of perjury of non-receipt. The Court will then order re-service in a manner designed to ensure Petitioner received the transcripts and to prove that receipt for the record.

Upon filing, the Clerk shall serve a copy of this Order on Attorney Pamela Sears and note

that service on the docket.

June 23, 2024.

s/ *Michael R. Merz*
United States Magistrate Judge